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H – 1062

International Court of Justice

H1062-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OR ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

24 July 1946

COMMISSIONER:

Mr. George R. Taylor

ALLGEMEINE SA

(THE COMMISSION CONVENED AT 1000 HOURS.)

COMMISSIONER TAYLOR: We will proceed to hear the affidavits on behalf of the Allgemeine SA.

DR. ASCHENAUER: Before we start with the affidavits I want to make the following basic statements. 1) Even though many attempts have been made by the General Secretary and by the defense counsel, so far not all ~~mkx~~ witnesses whose addresses are known have arrived in Nurnberg. Therefore the defense must state that it will insist that it has the right to bring up documents, such as sworn affidavits and also maybe witnesses before the end of the entire procedure. 2) Allied Officers have declared both in written form and verbally that it was impossible to put the signature of an allied officer under each and every one of the sworn affidavits. Therefore, in some cases they ordered the so-called Camp Mayor or Chief to check on these matters and in an accompanying letter verified the signatures. At other times also they ordered the Camp Mayors or Chiefs to verify some of the sworn affidavits themselves and it was therefore possible for the defense to verify the correct signatures in the latter cases.

H1062-0003

I now come to the 18 affidavits which I would request be translated in their entirety. I have prepared short summaries, as follows:

Allgemeine-SA Affidavit No. 1. By Dr. Menge, who was the proposed assistant of Dr. Goerdelers who attempted the Putsch against Hitler on the 20th of July 1944. Theme: General attitude of the SA. Highest SA Leadership, that of Lutze, concerning the aggressive war.

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Allgemeine-SA Affidavit No. 2. By Dr. Blome.

Theme: The basic difference between Party and SA. The negative attitude of the so-called Naziism by the Chief of Staff of the SA.

COMMISSIONER TAYLOR: Does that give enough summary for the prosecution to understand what it is?

MR. BARRINGTON: Well it seems to me, sir, that one can gather that it is a very general picture. I can't say what objections might be taken to the entire affidavit.

COMMISSIONER TAYLOR: Then we will just proceed to read these into the record.

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BY DR. ASCHENAUER:

Allgemeine-SA Affidavit No. 3. By Prince Friedrich Christian of Schaumburg-Lippe.

Theme: The participation on the 9th of November 1938.

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Allgemeine SA Affidavit No. 4. By Willi Ney.

Theme: Supplementary affidavit to that of Prince Friedrich Christian of Schaumburg-Lippe.

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H1062-0004

Allgemeine SA Affidavit No. 5. By Dr. Karl-Heinz Koch.

Theme: SA Health Service and the sanitary preparations in the summer months of 1939 proves that no one thought of an aggressive war.

MR. BARRINGTON: If I may interrupt, I fail to see on the face of it how a description of the health service can prove that there was no connection with an aggressive war.

DR. ASCHENAUER: I would like to explain this special case.

COMMISSIONER TAYLOR: The Commission would like to know the contents of the affidavit and the purpose for which it is presented.

DR. ASCHENAUER: This Dr. Karl-Heinz Koch states that in the summer of 1939 the chief of the Health Service, Obergruppenfuehrer Braune, was in Nurnberg to prepare the health service for the Reichs Party Day. Planned for this Party Day was an xray examination of every participating SA man according to the Hohlfelder System. This required very large preparation, preparation on such a scale which would not have been started if an aggressive war had been planned. Through this matter I want to prove that the highest SA Leadership did not plan or was not participating in the planning of an aggressive war.

COMMISSIONER TAYLOR: Well that is kind of a personal opinion, is it not Doctor?

DR. ASCHENAUER: I have drawn an objective consequence through this matter and the affidavit has to be presented to the court in order to convey this consequence, this idea, to the Court.

COMMISSIONER TAYLOR: Do you have any comment to make?

MR. BARRINGTON: As I understand it the duty of the prosecution before this Commission, sir, it is simply to register the prosecution's opinion as to the relevancy of the evidence. In this case it seems to me to have no

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relevance at all but of course it is a matter of argument and if you think it ought to be put in, in order to come before the Tribunal, I won't object.

COMMISSIONER TAYLOR: Let the objection of the Prosecution to Affidavit No. 5 be noted in the record. Proceed with the next affidavit.

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BY DR. ASCHENAUER:

Allgemeine SA ~~Affi~~ Affidavit No. 6. By Georg Zelnhefer.

Theme: ~~Informa~~ During the preparation of the Reichs Party Day during the time of the 15th to the 25th of August 1939, information of the SA by Dr. Robert Ley that the Fuehrer is attempting everything to preserve peace for Germany.

H1062 - 0006

COL ORLOV: I have an objection to number 6, in this affidavit. It states, if I understand correctly, that in the information given by Dr. Robert Ley to the SA, that the Fuehrer does the opposite to attempt to keep peace for Germany. I want to say that it has been stated before the Tribunal, has been proved, that at this time the war against Poland already had been completely planned and it is a matter of fact that Dr Ley knew exactly what was going on at the time; if he did make such a statement to the SA, then this statement was completely wrong, completely false, and nothing can be proven by this affidavit.

DR. ASCHENAUER: I believe that the Russian Prosecutor does not remember correctly the statement of 13 March, Article 6a, No. 3. Besides No. 3 there is also a No. 1, vice versa, in this decree. If the SA was informed like this then it is a victim of mistakes. The Higher SS Leadership Groups made preparations for the Reich Parteitag, the Reich Party Rally, and for this reason did not have any aggressive war in mind. The Higher SA Leadership did not have any pssibility of being in touch with any foreign powers who were in connection, or wanted to make agreements, with the German Foreign Office. But these documents are important for the very reasons that they prove that the Higher SA Leadership Group had nothing to do with the

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preparation of an aggressive war. Therefore, I should like to apply that the objection of the Russian prosecutor be overruled as irrelevant.

COMMISSIONER: Let the objection of the prosecution to the affidavit, be noted. And let the affidavit be marked Allgemeine-SA No. 6.

* * * * *

DR. ASCHENAUER: The next affidavit to be submitted is an affidavit made by GEORG MAPPES, No. 7. The topic of this affidavit treats (a) of the activities of the SA before the seizure of power and the SA's attitude towards the Church before 1933; (b) it speaks of the seizure of power and the activities of the SA up to the 30th of June 1934; (c) it speaks of the activities of the SA up to the end of the so-called Third Reich. (The right to supplement this affidavit in connection with the 9th of November 1938 is "reserved to ourselves." Mappes is the person who brought the counter order to Lutze, to the Obergruppenfuehrer, or to the Fuehrers of the different SA Groups, which forbade him to carry out orders that had been issued by Dr. Goebbels within the SA.)

COMMISSIONER: Dr. Aschenauer, you have the affidavits there -- numbers 1 to 18?

DR ASCHENAUER: Yes. (Hands them to the Commissioner.)

H1062-0008

COMMISSIONER: We will take them in all together.

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DR ASCHENAUER: Affidavit No. 8, submitted by HANS REIMANN, treats of the military sports training of the SA.

COL ORLOV: We have heard very much before this Commission concerning the topic of military sport training of the SA, and now no doubt defense counsel in submitting this document is going to present something new in this document, but the witnesses that we have heard here have testified that the training as carried out within the SA was similar to military training, whereas the defense has gone into considerable length to prove that it was just sport and not military training. Of course, it is probably difficult to draw a line between the two different kinds of sport training, and according to Verseille Germany was forbidden to have any barracks and to have any military training carried out at all. Therefore, I do not see in which respect this affidavit submitted by Hans Reimann is going to be useful to us.

DR. ASCHENAUER: If I understand the Russian prosecutor correctly I believe he wants to say that this affidavit is cumulative. But the Russian prosecutor forgets that the German Reich consisted of several provinces and that the membership within the SA distributed over all

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these provinces amounted to four and one half million men. Therefore, in order to refute the charge of the prosecution it is necessary for me to submit affidavits concerning these different provinces. Evidently we are also forgetting that several witnesses have been accused of not being credible witnesses, but we must remember that on the other hand we could have here millions of witnesses, who would testify exactly to the same effect as the witnesses whose credibility has been attacked. A distinction has to be made, surely, between an individual procedure, and a collective trial procedure. I should like to sustain the submission of this affidavit.

COMMISSIONER: Let the affidavit be marked ALLGEMEINE-SA No. 8.

And the objections to the affidavit by the prosecution be noted and referred to the Commission.

I would like to suggest to the defense, as to the request for the translation of all the mentioned affidavits, that it may be impossible to get them translated because of the number of affidavits that is going before the Translation Section; and that the defense should help by selecting the affidavits which they think are material -- and not try to offer affidavits which are not relevant or which are cumulative -- to submit for translation.

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DR ASCHENAUER: I have not submitted any affidavits which are not relevant, or which are cumulative.

* * * * *

DR ASCHENAUER: Affidavit No. 9, by HANS PETERSEN, treats of the aims and tasks of the SA seen from the viewpoint of the SA Leadership Obersten.

COMMISSIONER: Let the affidavit be marked Allgemeine-SA No. 9 for identification.

* * * * *

DR ASCHENAUER: Affidavit No. 10, submitted by MAX LEHMANN, treats of the resistence to the terror for religious and racial reasons.

H1062-0011

COLONEL ORLOV: Would you please tell us something on affidavit No. 10? It is difficult to understand what is meant here. I am afraid that this does not treat of facts but would lead to a philosophy.

DR. ASCHENAUER: This affidavit does not represent a philisophy but depicts complete facts as they existed in Saxony. Does this explanation suffice? The particular wording of the German would be translated verbally, resistance toreligious and racial acts of xxxxxx terror.

MR. BARRINGTON: I don't understand at all what it is meant to prove. No doubt the explanation is clear, but who is supposed to be resisting who?

DR. ASCHENAUER: The Burgardefuehrer 24 in charge of SA men had not allowed his men to carry out acts of terror. Contrary to other organizations, he left the SA unarmed.

MR. BARRINGTON: Unlike the rest of the organizations, does not that prove something exactly the opposite?

DR. ASCHENAUER: I should like to correct myself, by the word "organization" I mean the Red front and the Reichbanner.

DR. BARRINGTON: I still must protest against the offering of this affidavit if it is meant to show that the SA were not allowed to carry arms, because the evidence is already before the Tribunal. I think it is an SA organization manual which states that the SA

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may use his arms under certain conditions.

DR. ASCHENAUER: That reference in the organization book is a reference applying to all German citizens who ever had a permit to carry arms and was allowed to carry arms, and if the Prosecution proves, or wants to prove that the SA had arms, then I must be in a position to prove that the SA did not bear arms. Therefore, the affidavit is relevant.

MR. TAYLOR: Let the affidavit be marked Allgemeine SA No. 10, and the objections by the Russian and British Prosecution to the relevancy of the affidavit be noted in the record.

****

DR. ASCHENAUER: Affidavit No. 11 by Alexander Grosskopf says that the SA after 1933 was a collecting organization for those who were in need of a political alibi. There is a distinction between the SA before 1933 and the SA after 1933.

MR. TAYLOR: ANY objection? Let the Affidavit be marked Allgemeine SA No. 11 for identification.

****

DR. ASCHENAUER: Affidavit No. 12 submitted by Wilhelm Schaafhausen says that the SA was a refuge for people who were forced to take part in one of the organizations but who did not want to perform for that membership. It further mentions the unimportance of the

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SA after the position of power had been transferred or had come over to the SA, and the difference in SA training compared with other Nazi organizations.

****

DR. ASCHENAUER: Affidavit No. 13 by Kardinal Frings Von ~~X~~ Koeln of Colggne, speaks of the importance of the collective organization of the SA, the importance of the SA before the seizure of power and after the seizure of power and in later times.

COLONEL ORLOV: In my opinion No. 13 is cumulative to No. 12. Both affidavits speak of the importance of the SA before and after 1933.

DR. ASCHENAUER: ~~XXXXX~~ Then I shall withdraw affidavit No. 12 and ask that No. 13 be taken in it's place.

MR. TAYLOR: The defense request to withdraw affidavit No. 12 is granted and the record will show that the defense substitute No. 13 therefor.

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DR. ASCHENAUER: Affidavit No. 14 by Professor Fabricius, speaks of the SA and Christianity.

MR. TAYLOR: Let the affidavit be marked Allgemeine SA No. 14 for identification.

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DR. ASCHENAUER: Affidavit No. 15 by Franz Von Hoerauf, says that no exception was taken by the SA to regulations by the Reich Minister Severing.

MR. TAYLOR: Let the Affidavit be marked Allgemeine SA No. 15 for identification

****

DR. ASCHENAUER: Affidavit by Leonhard Gontermann. This affidavit refers to USA Exhibit 432, and clarifies the point that the SA did not have a hand in the guarding of concentration camps, prisoner of war camps, or in the guarding of forced laborers, a clarification of the misunderstanding concerning employment of city and rural guards, Stadt und Landwacht mit dem KZ, with concentration camp prisoner of war and forced laborer divisions.

Mr. XXXXXXXXXXXXXXXXXXXX TAYLOR: Let the affidavit be marked Allgemeine SA No. 16 for identification.

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DR. ASCHENAUER: Affidavit No. 17 by Ministerialrat Horst Laube, speaks of law, regulations and membership of the organization.

MR. TAYLOR: Hasn't this been offered in some affidavit before this?

DR. ASCHENAUER: No, this is the first one.

MR. TAYLOR: Let the affidavit be marked Allgemeine SA No. 17 for identification.

Com A
Take 3, page 6
Cook
1100 - 1130
24 July 1946
Affidavits

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DR. ASCHENAUER: Affidavit No. 18 by Generalmajor retired, Guenther Pape. This affidavit speaks of the positions of that part of the army troops that were called by the name of Feldherrnhalle,

MR. TAYLOR: If I understand ~~the~~ counsel for the defense they have requested that affidavits Nos. 1 to 18 inclusive, less No. 12, which has been withdrawn, be translated completely.

DR. ASCHENAUER: Yes.

MR. TAYLOR: And the objection of the Prosecution to the affidavits will be noted in submitting the same to the ~~XXXXXXXXXXXX~~ Commission.

(A ten minute recess was taken)

(COMMISSION ADJOURNED AT 1130 HOURS.)

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The foregoing is a true and correct transcript of the submission of Affidavits by DR. ASCHENAER, taken on 24 July 1946.

Mabel A. Lesser
Reporte5 (pp 1 - 4

Genevieve Beals
R3porter (pp 5 - 9

Rose W. Cook
Reporter (pp 10 - 15

CERTIFIED TO :

Geo. R. Taylor
Commissioner

H1062-0017

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

24 July 1946

COMMISSIONER:
MR. George TAYLOR

ALLGEMEINE SA

(The Commission convened at 1000 hours)

COMMISSIONER TAYLOR: We will proceed to hear the affidavits on behalf of the Allgemeine SA.

DR. ASCHENAUER: Before we start with the affidavits I want to make the following basic statements. 1) Even though many attempts have been made by the General Secretary and by the defense counsel, so far not all witnesses whose addresses are known have arrived in Nurnberg. Therefore the defense must state that it will insist that it has the right to bring up documents, such as sworn affidavits and also maybe the witnesses before the end of the entire procedure.

2) Allied officers have declared both in written form and verbally that it was impossible to put the signature of an allied officer under each and every one of the sworn affidavits. Therefore, in some cases they ordered the so-called Camp Mayor or Chief to check on these matters and in an accompanying letter verified the signatures. At other times also they ordered the Camp Mayors or Chiefs to verify some of the sworn affidavits themselves and it was therefore possible for the defense to verify the correct signatures in the latter case.

I now come to the 18 affidavits which I would request be translated in their entirety. I have prepared short summaries, as follows :

Allgemeine-SA Affidavit No. 1. By Dr. Menge, who was the proposed assistant

H1062 - 0018

of Dr. Goerdeler who attempted the Putsch against Hitler on the 20th of July 1944. Theme : General attitude of the SA. Highest SA Leadership, that of Lutze, concerning the aggressive war.

Allgemeine-SA Affidavit No. 2. By Dr. Blome.

Theme : The basic difference between party and SA. The negative attitude of the so-called Nazism by the Chief of the Staff of the SA.

COMMISSIONER TAYLOR: Does that give enough summary for the prosecution to understand what it is ?

MR. BARRINGTON: Well it seems to me, sir, that one can gather that it is a very general picture. I can't say what objections might be taken to the entire affidavit.

COMMISSIONER TAYLOR: Then we will just proceed to read these into the record.

BY DR. ASCHENAUER:

Allgemeine-SA Affidavit No. 3. By Prince Friedrich Christian of Schaumburg Lippe.

Theme : The participation on the 9th of November 1938

Allgemeine-SA Affidavit No. 4. By Willi Ney.

Theme : Supplementary affidavit to that of Prince Friedrich Christian of Schaumburg-Lippe.

Allgemeine-SA Affidavit No. 5. By Dr. Karl-Heinz Koch.

Theme: SA Health Service and the sanitary preparations in the summer months of 1939 proves that no one thought of an aggressive war.

MR. BARRINGTON: If I may interrupt, I fail to see on the face of it how a description of the health service can prove that there was no connection with an aggressive war.

DR. ASCHENAUER: I would like to explain this special case.

COMMISSIONER TAYLOR: The Commission would like to know the contents of the affidavit and the purpose for which it is presented.

H1062-0019

DR. ASCHENAUER: This Dr. Karl-Heinz Koch states that in the summer of 1939 the chief of the Health Service, Obergruppenfuehrer Braune, was in Nurnberg to prepare the health service for the Reichs Party Day. Planned for this Party Day was an xray examination of every participating SA man according to the Hohlfelder System. This required very large preparation preparation on such a scale which would not have been started if an aggressive war had been planned. Through this matter I want to prove that the Highest SA Leadership did not plan or was not participating in the planning of an aggressive war.

COMMISSIONER TAYLOR: Well that is kind of a personal opinion of the affidavit, is it not Doctor ?

DR. ASCHAUENER: I have drawn an objective consequence through this matter and the affidavit h s to be presented to the court in order to convey this c nsequence, this idea, to the Court.

COMMISSIONER TAYLOR: Do you have any comment to make ?

MR. BARRINGTON: As I unders and the duty of the prosecution before this Commission, sir, it is simply to register the prosecution's opinion as to the relevancy of the evidence. In this case it seems to me to have no relevance at all but of course it is a matter of argument and if you think it ought to be put in, in order to come before the Tribunal, I won't object.

COMMISSIONER TAYLOR: Let the objection of the Prosecution to Affidavit No. 5 be noted in the record. Proceed with the next affidavit.

BY DR. ASCHAUENER:

Allgemeine-SA Affidavit No. 6 By Georg Zelnhefer.

Theme: During the preparation of the Reichs Party Day during the time of the 15th to the 25th of August 1939, information of the SA by Dr. Robert Ley that the Fuehrer is attempting everything to preserve peace for Germany.

H1062 - 0020

COL. ORLOV: I have an objection to number 6, in this affidavit. It states, if I understand correctly, that in the information given by Dr. Robert Ley to the SA, that the Fuehrer does the opposite to attempts to keep peace for Germany. I want to say that it has been stated before the Tribunal has been proved, that at this time the war against Poland already had been completely planned and it is a matter of fact that Dr. Ley knew exactly what was going on at the time; if he did make such a statement to the SA, then this statement was completely wrong, completely false, and nothing can be proven by this affidavit.

DR. ASCHENAUER: I believe that the Russian Prosecutor does not remember correctly the statement of 13 March, Article 6a, No. 3. Besides No. 3 there is also a No. 1, vice versa, in this decree. If the SA was informed like this then it is a victim of mistakes. The Higher SS Leadership Groups made preparations for the Reich Parteitag, the Reich Party Rally, and for this reason did not have any aggressive war in mind. The Higher SA Leadership did not have any possibility of being in touch with any foreign powers who were in connection, or wanted to make agreements, with the German Foreign Office. But these documents are important for the very reasons that they prove that the Higher SA Leadership Group had nothing to do with the preparation of an aggressive war. Therefore, I should like to apply that the objection of the Russian prosecutor be overruled as irrelevant.

COMMISSIONER: Let the objection of the prosecution to the affidavit be noted. And let the affidavit be marked Allgemaine-SA No. 6

DR. ASCHENAUER: The next affidavit to be submitted is an affidavit made by Georg Mappes, No. 7. The topic of this affidavit treats (a) of the activities of the SA before the seizure of power and the SA's attitude towards the Church before 1933; (b) it speaks of the seizure of power and the activities of the SA up to the 30th of June 1934; (c) it speaks of the activitie of the SA up to the end of the so-called Third Reich. (The right to supplement this affidavit in connection with the 9th of November 1938 is "reserved to ourselves". Mappes is the person who brought the counter order to Lutze, to the Obergruppenfuehrer,

or to the Fuehrers of the different SA Groups, which forbade him to carry out orders that had been issued by Dr. Goebbels within the SA).

COMMISSIONER: Dr. Aschenauer, you have the affidavits there-- numbers 1 to 18 ?

DR. ASCHENAUER: Yes, (Hands them to the commissioner).

H1062-0021

H1062 - 0022

COMMISSIONER: We will take them in alltogether.

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DR. ASCHENAUER: Affidavit No. 8, submitted by Hans Reimann, treats of the military sports training of the SA.

COL. ORLOV: We have heard very much before this Commission concerning the topic of military sport training of the SA, and now no doubt defense counsel in submitting this document is going to present something new in this document, but the witnesses that we have heard here have testified that the training as carried out within the SA was similar to military training, whereas the defense has gone into considerable length to prove that it was just sport and not military training. Of course, it is probably difficult to draw a line between the two different kinds of sport training, and according to Versailles Germany was forbidden to have any barracks and to have any military training carried out at all. Therefore, I do not see in which respect this affidavit submitted by Hans Reimann is going to be useful to us.

DR. ASCHENAUER: If I understand the Russian prosecutor correctly I believe he wants to say that this affidavit is cumulative. But the Russian prosecutor forgets that the German Reich consisted of several provinces and that the membership within the SA distributed all over these provinces amounted to four and one half million men. Therefore, in order to refute the charge of the prosecution it is necessary for me to submit affidavits concerning these different provinces. Evidently we are also forgetting that several witnesses have been accused of not being credible witnesses, but we must remember that on the other hand we could have here millions of witnesses, who would testify exactly to the same effect as the witnesses whose credibility had been attacked. A distinction has to be made, surely, between an individual procedure, and a collective trial procedure. I should like to sustain the submission of this affidavit.

COMMISSIONER: Let the affidavit be marked Allgemeine-SA No.8.

And the objections to the affidavit by the prosecution be noted and referred to the Commission.

I would like to suggest to the defense, as to the request for the translation of all the mentioned affidavits, that it may be impossible to get them translated because of the number of affidavits that is going before the

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Translation Section; and that the defense should help by selecting the affidavits which they think are material -- and not try to offer affidavits which are not relevant or which are cumulative -- to submit for translation.

DR. ASCHENAUER: I have not submitted any affidavits which are not relevant, or which are cumulative.

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DR. ASCHENAUER: Affidavit No.9, by Hans Petersen, treats of the aims and tasks of the SA seen from the viewpoint of the SA Leadership Obersten.

COMMISSIONER: Let the affidavit be marked Allgemeine-SA No.9 for identification.

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DR. ASCHENAUER: Affidavit No.10, submitted by Max Lehmann, treats of the resistance to the terror for religious and racial reasons.

COLONEL ORLOV: Would you please tell us something on affidavit No.10? It is difficult to understand what is meant here. I am afraid that this does not treat of facts but would lead to a philosophy.

DR. ASCHENAUER: This affidavit does not represent a philosophy but depicts complete facts as they existed in Saxony. Does this explanation suffice? The particular wording of the German would be translated verbally, resistance to religious and racial acts of terror.

MR. BARRINGTON: I don't understand at all what it is meant to prove. No doubt the explanation is clear, but who is supposed to be resisting who?

DR. ASCHENAUER: The Burgardefuehrer 24 in charge of SA men had not allowed his men to carry out acts of terror. Contrary to other organizations, he left the SA unarmed.

MR. BARRINGTON: Unlike the rest of the organizations, does not that prove something exactly the opposite?

DR. ASCHENAUER: I should like to correct myself, by the word organization I mean the Red front and the Reichbanner.

MR. BARRINGTON: I still must protest against the offering of this affidavit if it is meant to show that the SA were not allowed to carry arms, because the evidence is already before the Tribunal. I think it is an SA organization manual which states that the SA may use his arms under certain conditions.

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DR. ASCHENAUER: That reference in the organization book is a reference applying to all German citizens who ever had a permit to carry arms and was allowed to carry arms, and if the Prosecution proves, or wants to prove that the SA had arms, then I must be in a position to prove that the SA did not bear arms. Therefore, the affidavit is relevant.

MR. TAYLOR: Let the affidavit be marked Allgemeine SA No. 10, and the objections by the Russian and British Prosecution to the relevancy of the affidavit be noted in the record.

* * * * * *

DR. ASCHENAUER: Affidavit No. 11 by Alexander Grosskopf says that the SA after 1933 was a collecting organization for those who were in need of a political alibi. There is a distinction between the SA before 1933 and the SA after 1933.

MR. TAYLOR: Any objection? Let the Affidavit be marked Allgemeine SA No. 11 for identification.

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DR. ASCHENAUER: Affidavit No. 12 submitted by Wilhelm Schaafhausen says that the SA was a refuge for people who were forced to take part in one of the organizations but who did not want to perform for that membership. It further mentions the unimportance of the

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SA after the position of power had been transferred or had come over to the SA, and the difference in SA training compared with other Nazi organizations.

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DR. ASCHENAUER: Affidavit No. 13 by Kardinal Frings von Koeln of Cologne, speaks of the importance of the collective organization of the SA, the importance of the SA before the seizure of power and after the seizure of power and in later times.

COLONEL ORLOV: In my opinion No. 13 is cumulative to No. 12. Both affidavits speak of the importance of the SA before and after 1933.

DR. ASCHENAUER: Then I shall withdraw affidavit No. 12 and ask that No. 13 be taken in its place.

MR. TAYLOR: The defense request to withdraw affidavit No. 12 is granted and the record will show that the defense substitute No. 13 therefor.

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DR. ASCHENAUER: Affidavit No. 14 by Professor Fabricius, speaks of the SA and Christianity.

MR. TAYLOR: Let the affidavit be marked Allgemeine SA No. 14 for identification.

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DR. ASCHENAUER: Affidavit No. 15 by Franz von Hoerauf, says that no exception was taken by the SA to regulations by the Reich Minister Severing.

MR. TAYLOR: Let the Affidavit be marked Allgemeine SA No. 15 for identification.

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DR. ASCHENAUER: Affidavit by Leonhard Gontermann. This affidavit refers to USA Exhibit 432, and clarifies the point that the SA did not have a hand in the guarding of concentration camps, prisoner of war camps, or in the guarding of forced laborers, a clarification of the misunderstanding concerning employment of city and rural guards, Stadt und Landwacht mit dem KZ, with concentration camp prisoner of war and forced laborer divisions.

MR. TAYLOR: Let the affidavit be marked Allgemeine SA No. 16 for identification.

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H1062 - 0026

DR. ASCHENAUER: Affidavit No. 17 by Ministerialrat Horst Laube, speaks of Law, regulations and membership of the organization.

MR. TAYLOR: Hasn't this been offered in some affidavit before this?

DR. ASCHENAUER: No, this is the first one.

MR. TAYLOR: Let the affidavit be marked Allgemeine SA No. 17 for identification.

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DR. ASCHENAUER: Affidavit No. 18 by Generalmajor retired, Guenther Pape. This affidavit speaks of the positions of that part of the army troops that were called by the name of Feldherrnhalle.

MR. TAYLOR: If I understand counsel for the defense they have requested that affidavits Nos. 1 to 18 inclusive, less No. 12, which has been withdrawn, be translated completely.

DR. ASCHENAUER: Yes.

MR. TAYLOR: And the objection of the Prosecution to the affidavits will be noted in submitting the same to the Commission.

(COMMISSION ADJOURNED AT 1130 HOURS.)

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The foregoing is a true and correct transcript of the submission of Affidavits by DR. ASCHENAUER, taken on 24 July 1946.

MABEL A. IESSER
Reporter

GENEVIEVE BIOLSI
Reporter

ROSE W. COOK
Reporter

CERTIFIED TO:

GEO. R. TAYLOR
Commissioner